IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) CASE NO. 8:11CR92
Plaintiff,	
vs.))
TRACEY L. JONES,) TENTATIVE FINDINGS
Defendant.)

The Court has received the Presentence Investigation Report ("PSR") in this case. The government adopted the PSR (Filing No. 39). The Defendant has not objected to the PSR.¹ The Defendant filed a motion for "downward variance" and a supporting brief and evidence (Filing Nos. 40, 41, 42). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

IT IS ORDERED:

- The parties are notified that my tentative findings are that the PSR is correct in all respects;
- 2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the

¹The Defendant objected initially to the probation officer, according to the Addendum to the PSR. However, after being granted an extension of time to file a statement of position with respect to the unresolved objections, the Defendant did not file a statement or objections to the PSR as required by ¶ 6 of the Order on Sentencing Schedule. Therefore, the objections referred to in the Addendum are considered waived.

submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

- 3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and
- 4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 15th day of December, 2011.

BY THE COURT:

s/ Laurie Smith Camp Chief United States District Judge